



HISTORY OF THE SUDANESE HUMAN RIGHTS MOVEMENT

Sudanese Human Rights Monitor - March 2016

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BACKGROUND

In recent years, non-governmental organization (NGOs) have taken on ever more important role in the national, regional and international level in promotion and protection of human rights. The precursors of the global modern human rights movement date back to the Magna Carta in England, in 1215, the English Bill of Rights in 1689, the French Declaration on the Rights of Man and Citizen in 1789, and the US Constitution and Bill of Rights in 1791.¹ The nineteenth century witnessed the emergence of organizations such as Anti-slavery International.² The International human rights movement has taken its modern shape, in the period since the end of World War II, when the fundamental human rights have been recognized in international agreements such as the charter of the United Nation and the Universal Declaration of Human Rights.³

The emergence of international human rights movement as a force in world affairs starting in late 1960s and 1970s, is not attributable to a single cause, a confluence of unrelated events in different part of the world took place an added significance because of the cold war helped to inspire many people to commit themselves to organized efforts to advocate the cause human rights.⁴

Similarly, the emergence of the Sudanese political and rights movement date back to the country's colonial period, there have been traditional, middle range actors like the conventional tribal chiefs and their council, the graduations congress of 1930-45 which led to the evolution of Sudanese political parties. Various Sudanese philanthropic and charity groups at grassroots levels emerged. Teachers both as individuals and affiliated in association unions, mainly by opening schools since the 1930s. The private sector helping and contributing to the above group initiations in a non-formal way on individual basis.⁵ At the time of Sudan's independence in 1956 a number of cultural, literary and artistic societies of limited membership in Khartoum emerged.⁶

Following the independence, Civil Society Organizations (CSOs) working on civil, political, economic, social and cultural rights formed across the country, especially in Khartoum. The legal and operating environment for CSOs varied significantly in subsequent years, depending on the nature of the government in power.⁷

During May regime (1969-1985), the activities of the civil society organizations was curtailed, until in 1983, after the application of September laws by Jaafar Nimiri's regime, witnessed the born of the notable oriented human rights organization with national mandate, working on promotion and protection of human rights in Sudan, known as Sudan Human Rights Organization (SHRO) founded by professor Mohamed Omer Bashir, the organization was a branch of the Arab organization for Human Rights (AOHR).

After April 1985 popular uprising, the SHRO continued to maintain a great concern for peace, democratic rule, national unity, the right to freedom of religious beliefs and other international human rights norms.⁸ In response to

¹ <https://www1.umn.edu/humanrts/edumat/hreduseries/hereandnow/Part-1/short-history.htm>

² See international human rights law and practice, by Ilias Bantekas and Lutz Oette, Cambridge University Press, P101.

³ The International Human Rights Movement: A History By Aryeh Neier

⁴ Ibid

⁵ See Feminist Perspectives in the Sudan An analytical overview by Balghis Badri available at: http://www.fu-berlin.de/sites/gpo/tagungen/tagungfeministperspectives/balghis_badri.pdf

⁶ See <http://www.icnl.org/research/monitor/sudan.html#reports>

⁷ See <http://www.icnl.org/research/monitor/sudan.html#reports>

⁸ See Historical Dictionary of the Sudan By Robert S. Kramer, Richard Andrew Lobban, Carolyn Fluehr-Lobban P401-402

SHRO campaigns, Sudan ratified the International Convention for Political and Civil rights and International Convention of Economic, Social and Cultural rights and signed the International convention against torture, in addition SHRO launched a fearless campaign to repeal September laws.⁹

After the coup d'état in 1989 Sudan human rights organization activities was banned, later SHRO managed to re-launch its activities in Cairo – Egypt in 1991 under the leadership of Dr. Amin Makki Medani, also in London, its founding members were Mutasim Hakim, Hamuda Fath Alrahman, Zynab Othman, Mhjoub Altigani and Amin Mekki Medani as president.¹⁰

Although SHRO was operating from outside the country in London UK, it has faced many challenges that prevented it from playing a crucial role as an independent human rights organization, by developing a professional approach to the human rights. The fundamental problem was its composition, most of its membership were politicians or came from the political background, and this has influenced its image and decision making.

At that time, leaders of the National Democratic Alliance (NDA) [opposition umbrella group] who were members of SHRO considered it as a political tool in opposition to the government to pursue their political agenda or ideology and use of human rights as an umbrella for both. That was a disservice to human rights and politics.¹¹ Such polarisation led to the split of the organisation in 1997 between two groups one representing NDA and the other representing human rights activists who disagree on the importance of distinguishing between political ideology and human rights work.¹² In the 1990s, most Sudanese human rights activists have not accepted the universality of human rights as defined in the Universal Declaration of Human Rights; a person cannot claim to be a human rights defender if they deny some human rights or take any action that undermines the rights of others.

There were, some other human rights organizations such as south Sudan Law Society and the Nuba Mountains Solidarity Abroad were concerned respectively with the rule of law and human rights issues for those two regions.¹³ The NGO sector in Sudan, is influenced by the political context. During the democracy of April 1985 – June 1989 several NGOs established. The June 1989's coup resulted in the forced dissolution of all civil society organisations and suppression all forms of political freedoms. It has been only since 2000 when the Government of Sudan (GoS) signed the Cotnou agreement as part of the New Partnership for Africa's Development (NEPAD) that civil society organisations were allowed to register again.¹⁴

THE MOVEMENT AFTER 1989 COUP

The June 1989 coup characterized by serious human rights violations against the regime's political opponents, students, trade union members, lawyers, journalists and other activists, throughout the 1990s. The human rights crackdown including arbitrary arrest and detention, torture, extrajudicial killings, a wave of unfair termination of employment from the civil service, which have been condemned and criticized by many international human rights organizations and actors and became the subject of number of resolutions by the UN Security Council, and special procedures.

⁹ Ibid

¹⁰ ibid

¹¹ Salam, A. H., & De Waal, W. A. (2001). *Chapter title Human Rights and the Transition in Sudan, By, Dr. Amin M. Medani. In The phoenix state: Civil society and the future of Sudan* (1st ed.). Trenton, NJ: Red Sea Press, p. X.

¹² Interview in person with former members of SHRO in London UK.

¹³ Op.cit. Salam, A. H., & De Waal, W. A. (2001), p. X.

¹⁴ See Feminist Perspectives in the Sudan An analytical overview by Balghis Badri available at: http://www.fu-berlin.de/sites/gpo/tagungen/tagungfeministperspectives/balghis_badri.pdf

This situation forced many Sudanese elites in particular member of opposition political parties, trade unions, and activists into exile. The influx of victims of violations to Cairo and other cities around the world, motivated a group of activists to establish the Sudanese Organization Against Torture (SOAT) in 1993, in Cairo and London, it was the foremost Sudanese organization engaged explicitly in torture and serious human rights violations cases, the organization provided medical treatment and social support to the victims of torture in addition to monitoring and documenting human rights violations in Sudan.

Later in 1997 group of lawyers established the Sudanese group for human rights under the leadership of Attorney Ghazi Suliman, its initial mandate is providing legal aid to the victims of human rights violations, in addition, publishing press releases about the human rights situation in Sudan.

During the 1990s any work related to human rights inside Sudan was extremely difficult due to prevailing repressive atmosphere.¹⁵ After the issuance of the constitution of 1998, and lifting of the state of emergency, a group of human rights activists, lawyers and journalists founded Khartoum Centre for Human Rights and Environmental Development (KCHRED) and registered it as voluntary organization in 2002, under Khartoum Humanitarian Organization Act of 2001.¹⁶

The same group managed to establish Amel Centre for rehabilitation of victims of torture in 2003, in Al Fashir in North Darfur the two organizations worked closely with SOAT, based in London, by circulating and disseminating information on human rights violations.

KCHRED had been in the forefront of monitoring, documentation and reporting on human rights violations in Sudan, and played critical great role in promoting and protecting human rights in Sudan provided training to various activists, and legal aid to the victims of the human rights violations in Sudan. While Amel Centre for rehabilitation specialized in treatment of victims of violations including of victims of rape in Darfur after 2004.¹⁷ Also, provided legal aid to the victims of violations in Darfur, in addition to monitoring and documenting the violations that occurred in Darfur. Khartoum Centre managed to expand its membership and broaden its network inside Sudan by establishing two networks for lawyers and journalists which covered most of the Sudan regions, following the signing of peace agreement in 2005, which represented margin of freedoms, despite the restrictions imposed by the national security and the interference of the humanitarian aid commission in the civil society activities by controlling and monitoring its work, requiring permission for holding its meetings, number of organizations with different mandates initiated, until 2009, the situation for the work of the human rights organizations deteriorated after the ICC arrest warrant against Omer Al Bashir, followed by the closure of the Khartoum Centre and Amel Centre and confiscation of its assets.

In the current oppressive environment there are still few human rights organizations and activists are able to carry on their human rights work, although some are suffering lack of capacity, operative functioning and political influence. Such as: Sudan Human Rights Monitor, based in Khartoum, Journalist for Human Rights, mainly focused on freedom of expression, Darfur Bar Association, Al Khatim Adlan Centre for Enlightenment and Human Development (KACE) on training of human rights monitors, HUDO, Blue Nile Human Right Centre, and Nuba Bar Association.

¹⁵ See international human rights law and practice, by Ilias Bantekas and Lutz Oette, Cambridge University Press, P112.

¹⁶ Interview with Amir Suliman on 14 March 2016 via Whatsapp.

¹⁷ See international human rights law and practice, by Ilias Bantekas and Lutz Oette, Cambridge University Press, p112.

The history of the Sudanese human rights movement reflects the political polarisation in the country and its implication on the current situation of the human rights in the country that will be discussed below.

THE OBJECTIVES AND METHODOLOGY

The objectives of this study are to provide in-depth understanding of the human rights situation in Sudan. It hope to contribute in tailoring a practical policy for SHRM to engage in a proper monitoring and documentation of human rights violations. To learn from previous experiences. To assess and analyze major areas of civil and political rights violations, to serve as a practical starting point for collaboration and networking with other human rights organizations on national, regional and international level, in order to provide protection and respect of people rights.

The study seeks to enhance the capacity of the Sudanese human rights organizations to protect people rights through training and deployment of human rights monitors from various communities as well as reporting on human rights abuses. Moreover, the study intends to provide implementable recommendations to human rights NGOs in Sudan in order to develop a common human rights agenda and solidarity, through information sharing.

Furthermore, the study aim to identify aspects of Sudan legal framework that violate the enjoyment of human rights in Sudan.

The study focus on human rights violations that occurred between January 2011- March 2016, by identifying the most rights violated during the said period, the study is based on a comprehensive review of different reports pertaining to the human rights situation in the country from different national, regional and international organizations, it also draws on a number of interviews conducted with human rights activists who engaged in monitoring and documentation of abuses inside Sudan, representing different regions and organizations, lawyers who engaged in legal aid for victims of violations to inform the study about how monitoring and documentation can provide protection to the victims, in addition to identify challenges pertaining to human rights protection, member staff of SHRM and its volunteers monitors who are engaging on daily bases on monitoring and documentation.

The interviews conducted in March 2016 , the list of the interviewees including, the questions were sent to five persons to the SHRM monitors according to the list provided by emails, only two monitors sent their feedback, the responses were very short not covering all the questions in depth, and broad, one SHRM staff member responded also the answers were broad with no details, one interview conducted in person in Nairobi with a former member of Sudanese Human Rights Organization(SHRO), the rest of interviews conducted through WhatsApp, Skype , Viber and Instant messaging with 24 persons representing five females, and 20 males, from Darfur Khartoum, Kassala, White Nile, Red Sea, Damazeen, among the interviewees five lawyers.

HUMAN RIGHTS SITUATION OVERVIEW

Human rights violations in Sudan are long standing concerns which continue unabated throughout the country since 1989. Throught these years y international, regional and national human rights organizations reported and documented the persistent of practice of arbitrary arrest, torture, ill-treatment, extrajudicial killing and other

unlawful killing, beating, sexual violence, discrimination against women and marginalized groups, prolonged pre trials detention and freedom of religion.¹⁸

Despite the recommendations that were made to the government of Sudan, by different UN treaties bodies, UN special procedures mandate holders, the African Commission on Human and Peoples' Rights and other International human rights organizations. The government of Sudan has failed to fulfil its obligations to protect, promote human rights as stipulated in the interim constitution of 2005 and international human rights treaties. The government also failed to make any serious effort to investigate and prosecute those responsible for the crimes committed, or undertake any genuine steps to improve the human rights situation in the country.

Since 1989, Sudan only ratified international treaties that perceived not to challenge the ruling regime political power namely the Convention on the Rights of the Child in 1990, and its two optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child porn in 2005 and 2004 respectively. The second major international treaty ratified by Sudan was the Convention on the Rights of Persons with Disabilities.¹⁹

Sudan has yet to ratify key universal human rights treaties including the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment, and the Convention on the Elimination of Discrimination Against Women.

Since 1993, Sudan is under the Special Procedures assumed by the Human Rights Council that include three Independent Experts and five Special rapporteurs. Sudan in addition to Myanmar, Somalia, Cambodia and Palestine considered one of the longest country under the UN Human Right Council Special Procedures mandate.²⁰

In response to the international community pressure and condemnation of its human rights record, early 1990s. Sudan government has tried to be more accommodated to the criticism by taking various measures to defend its dismal human rights violations record, among those measures are the establishment of national institutions concerned with the human rights, such as the human rights committee headed by the Attorney General in 1992 formed by the council of ministers, the human rights committee of the transitional assembly, in addition to the creation and establishment of other domestic mechanisms that in charge of protecting people rights such as the advisory council for human rights, the constitutional court, national human rights commission in 2012.

While the creation of these mechanisms can be considered as positive steps towards improving the situation of the human rights in the country, many critiques consider it as a cosmetic measure to improve the image of the government. In practice these institutions still fails to play a satisfactory role in the protections of human rights in the country and the human rights situation is still lagging behind.

¹⁸ See HRW <https://www.hrw.org/sites/default/files/reports/wr2012.pdf>, and <https://www.hrw.org/world-report/2015/country-chapters/sudan> and Amnesty International, at <http://www.amnestyusa.org/research/reports/annual-report-sudan-2013?page=show>, and <http://www.amnestyusa.org/research/reports/amnesty-international-state-of-the-world-2015-2016>, SUDO UK at: <http://sudouk.org/updates/posts/niss-raid-a-church-and-arrest-four-members/> and at: <http://sudouk.org/updates/posts/human-rights-abuses-in-sudan-over-the-month-of-january-2016>. Human Rights Council, Report of the Independent expert on the situation of human rights in the Sudan, Aristide Nononsi , A/HRC/20/60, 28 August 2015.

¹⁹ OHCHR, Ratification status by country, available at: http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=165&Lang=EN

²⁰ Independent Experts and Special Rapporteurs on the human rights situation in Sudan: Mr. Aristide NONONSI, (Benin), 2014; Mr. Mashood BADERIN, (Nigeria), 2012-2014; Mr. Mohamed Chande OTHMAN; (Tanzania), 2009-2012; Ms. Sima SAMAR, (Afghanistan), 2005-2009; Mr. Emmanuel KWEI ADDO; (Ghana), 2004; Mr. Gerhard BAUM, (Germany), 2000-2004; Mr. Leonardo FRANCO, (Argentina), 1998-2000; Mr. Gáspár BIRO, (Hungary), 1993-1998, available at: http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx

Yet, the constitutional protection of human rights has been extremely weak, both in terms of the recognition of rights and the availability of mechanisms for their effective implementation. In the context of broader concerns over respect for the rule of law, these combined factors have contributed to a situation of systemic and serious human rights violations. A series of cases at the domestic level and before the African Commission on Human and Peoples' Rights demonstrate that victims of such violations have no effective remedies in Sudan.²¹

HUMAN RIGHTS VIOLATIONS OCCURRED FROM JANUARY 2011- MARCH 2016

Violation of political and civil rights in Sudan remain the norm²² of governance, , after the secession of South Sudan in 2011, the government has intensified its crackdown on people rights, although, the split was peaceful but Sudan saw increasing popular unrest and winding armed opposition in the months that followed. In Khartoum, the capital, government authorities pursued familiar repressive tactics including harassing, arresting, detaining, and torturing perceived opponents of the government; censoring media; and banning political parties.²³ the period has witnessed widespread of human rights violations, characterized by increased restrictions of the rights to freedom of expression, association and assembly, violent repression of protests and the intensification of armed conflict²⁴, in addition to the freedom of association.

To understand the complexities of the situation and to provide in-depth appreciation of these violations in term of analyzing the context its catalysts, identifying its impact on people and the perpetrators, to this end the study will provide some analysis and overview that are essential to discuss each violations.

THE NATURE OF VIOLATIONS

A large number of human right violations have been documented over the time frame of this study this include arbitrary arrest and detention, torture and ill-treatment, suppression of freedom of expression, assembly and association²⁵ and violations of the International humanitarian laws in the armed conflict areas in Darfur, South Kordofan and Blue Nile.²⁶

Furthermore, the majority of people interviewed in this study identified that the most human rights violated during the period from 2011 to 2016, as follow: arbitrary arrest and detention against political opponent activists, students activists -- particularly students from Darfur region -- human rights activists, torture and ill-treatment, press censorship, confiscation and shutdown of newspapers and civil society organizations. Intensive use of public order law and localities regulations against women, girls and street vendor, discrimination against Christians and demolition of churches.

Number of interviewees described the most groups targeted by the authorities are people from conflict areas which amount to a systematic discrimination against them.

²¹ See REDRESS report on: The Constitutional Protection of Human Rights in Sudan: Challenges and Future Perspectives , January 2014, p 4, available at: <http://www.redress.org/downloads/publications/140127FINAL%20Sudan%20UoK%20Report.pdf>

²² See Human Rights Watch world report 2012/ Sudan, available at: <http://www.hrw.org/world-report-2012/world-report-2012-sudan>

²³ See HRW world report 2012, Sudan, p179 available at: <https://www.hrw.org/sites/default/files/reports/wr2012.pdf>

²⁴ See REDRESS submission Universal Periodic Review, Sudan, 2016 Ensuring respect for the prohibition of torture in Sudan September 2015.

²⁵ Amnesty International briefing: *SUDAN: ENTRENCHED REPRESSION: Freedom of Expression and Association under Unprecedented Attack* (AFR 54/1364/2015)

²⁶ Amnesty International August 2015: *Don't we matter? Four years of unrelenting attacks against civilians in Sudan's south kordofan state* (Index: AFR 54/2162/2015)

Other interviewees representing Eastern Sudan identified the violation of right to freedom of movement as one of the rights the authorities regularly violate among other rights that people are entitled to enjoy.

PROTEST MOVEMENTS

Sudan has been affected by conflict and civil war for decades and continues to be insecure, particularly in regions bordering newly independent South Sudan and in Darfur.²⁷ National security forces repeatedly suppressed protesters demonstrating against government policies; and authorities continued to stifle civil society and independent media.²⁸

Sudan is facing a serious, ongoing human rights crisis. Gross violations continue to be committed in armed conflicts, in Darfur, South Kordofan and Blue Nile. Meanwhile, particularly since South Sudan's independence in 2011, civil society and the media have been subjected to repeated crackdowns.²⁹

Amid economic, political and military pressures caused by the South's secession and new wars, as well as falling oil prices and frustration over policies of the ruling National Congress Party (NCP), Sudan has seen a surge in popular protests over the last few years. The uprisings in Tunisia and Egypt in January 2011 also inspired Sudanese to take to the streets calling for democratic change.³⁰

From 2011 onwards, Sudan has experienced widespread unrest as a result of increasing discontentment with the regime policy and use of repressive legislations that target political opponents, human rights defenders, lawyers, journalists, women and civil society organization personnel. In addition to the high rate of unemployment, confiscation of lands by the government from individual such as in Omdoum area in Sharq Al Neel, Al Halfaya in Khartoum Bahri and other areas, lack of services such as water and electricity, universities fees in particular in regard to students from Darfur region. Protests against the construction of dams in North Sudan, and against eviction as the case of Suba Aradi, where the authorities met these protests with excessive use of force and arrested, detained and tortured many. Other protests were in connection of human rights violations such as the implementation of the public order law, such as the case of Lubna Ahmed al-Hussein, the killing of Awadia Ajabna, other protests followed the arrest of students and political figures.³¹

Noting that, the police and security forces continued to confronting the peaceful rallies, demonstrations and public gathering with excessive use of force.

²⁷See Climate, Environment and Security in Sudan available at: <https://www.ids.ac.uk/files/dmfile/LHcasestudy14-Sudan.pdf>

²⁸ See HRW World Report 2015 <https://www.hrw.org/world-report/2015/country-chapters/sudan>

²⁹ See REDRESS and African Center for Justice and Peace Studies submission: Sudan's human rights crisis: High time to take article 2 of the Covenant seriously Submission to the UN Human Rights Committee ahead of its Examination of Sudan's Fourth Periodic Report under the International Covenant on Civil and Political Rights June 2014 Available at: <http://www.redress.org/downloads/publications/140613SubmissionSudanHRC.pdf>

³⁰ See HRW report Good Girls Don't Protest <https://www.hrw.org/node/287611/>

³¹ Human Rights Watch, *Sudan: Silencing Women Rights Defenders: Sexual Abuse, Intimidation by Security Forces*, 23 March 2016, available at: <https://www.hrw.org/news/2016/03/23/sudan-silencing-women-rights-defenders>

VICTIMS PROFILE

According to number of interviewees they confirmed that the vast majority of the victims that most targeted and affected with regard to the liberty and security right are students from Darfur during their protests against the government policy and implementation of peace agreements with Darfur armed movements with regard to the affirmative treatment towards students from Darfur, political and human rights activists, Christians and churches leaders from Nuba Mountains in Khartoum and South Sudan, women from Nuba mountains and Darfur with regard to the application of public order law. Civil society organizations and human rights defenders have been subject to a range of measures incompatible with their freedom of expression, association and assembly.³²

LEGISLATIONS FACILITATE VIOLATIONS OF PEOPLE RIGHTS

Sudan's legal system fails to protect its citizens and facilitates breaches, such as torture, which are committed with impunity. This applies particularly to the National Intelligence and Security Forces (NISS) which enjoy virtually unlimited powers.³³ Large number of reports and recommendations made to the government of Sudan by UN human rights Committee, the African Commission on Human and Peoples'Rights, and other international organizations raised the seriousness of the violations that requires revoking number of legislations that facilitate human rights. The study will reflect and review limited number of legislations that hindered the enjoyment of constitutional rights in Sudan, that require a comprehensive study and review of all the Sudan legislations, the time frame of this study fell short to meet and may SHRM think of to carry out an intensive review and study in the future.

NATIONAL SECURITY LAW 2010

The National Security law of 2010 and its amendments of 2015, effectively provide National Security Services (NSS) members with broad powers that are alleged to have frequently resulted in human rights violations. Article 50 of the NSA retains the power to arrest and detain a person on vague grounds for an initial period of up to thirty days (45 days upon renewal) and a possible total of four and a half months. Article 51 of the Act grants the right to communicate with family members or a lawyer³⁴.

Evidence Law 1994

Article 10 of the Evidence law of 1994, provide for admission of evidence obtained in breach of standard procedures, that any confession or statement obtained as a result of ill-treatment and torture should be inadmissible.

PUBLIC ORDER LAW AND LOCALITIES REGULATIONS

The application of public order law and other localities regulations, which entrenches repressive use of the public order law against women and girls from wearing appropriate clothing, good conduct and behavior, and against

³² Ibid

³³ See REDRESS & ACJPS Submission <http://www.redress.org/downloads/publications/140613SubmissionSudanHRC.pdf>

³⁴ See comments to Sudan report legislative reform, at: <http://www.pclrs.com/downloads/1204%20Comments%20to%20Sudans%20Report%20-%20Legislative%20Reforms.pdf>

people who exercise peddling on the streets³⁵. Many interviewees raised their concerns over the harsh practice of public order police against vulnerable groups and women, the practice demonstrate a disrespect for human right by the government, this obviously represented in the types of punishment envisaged, especially flogging as a main sanction for a range of breaches, that facilitate arbitrary use of the laws by law enforcement preventing many people from exercising their rights and controlling people behavior³⁶.

CRIMINAL LAW OF 1991

Criminal law of 1991 contains various provisions that illustrate the lack of respect of constitutional rights, not limited to part v which contains a series of offences against the state, their broad scope makes these offences susceptible to abuse as evident in a number of apparently political motivated prosecutions³⁷, charges of offences used frequently against journalists, human rights defenders and political opposition members, which facilitating human rights violations such as freedom of expression, assembly and association.

Other provisions in relation to preserving public peace and tranquility, they used frequently to deprive people from exercising their constitutional rights to peaceful assembly and association.

Humanitarian Aid Commission Law 2006:

The Voluntary and Humanitarian Work Act (2006) contains many loosely defined articles that allow the Humanitarian Aid Commission (HAC) to broadly control civil society activities. The law grants discretionary and excessive regulatory power to the Government over the operations of NGOs and some provisions violate the right to freedom of association contained in international human rights treaties³⁸

The Voluntary and Humanitarian Work Act of 2006 severely limits civil society participation by imposing strict conditions on civil society organization registration and appointing a Registrar by the Minister of Humanitarian Affairs, with powers to terminate or refuse the registrations of any organization (Article 13). The HAC has no mechanism of appeal against denials of applications for registration. Organizations must also annually renew their registration (Article 11). The Act empowers the HAC to engage in the approval process of any externally funded project (Article 7.2). Many civil society organizations find the Act unsuitable for their work as it not only regulates humanitarian and charitable work, but extends control over “wider civil society pursuits” including work on the promotion of social, cultural, and human rights³⁹

CHALLENGES AND OBSTACLES HINDERING MONITORING AND DOCUMENTATION

The majority of interviewees in this study are human rights activists involving in monitoring and documentation of human rights violations and lawyers representing victims of violations. Although the interviewees emphasized that the monitoring and documentation of violations can be considered as a significant tool to protect victims of human rights violations, and exposing the oppressive practice on the hand of the government authorities. But the monitoring and documentation and reporting of the violations is facing many challenges and obstacles, they

³⁵ See The Draft Social Control Act, 2011, for Khartoum State: Flogging into Submission for the Public Order, available at: [http://www.pclrs.com/downloads/1206%20Draft%20Public%20Order%20Law%20November%202011\[1\].pdf](http://www.pclrs.com/downloads/1206%20Draft%20Public%20Order%20Law%20November%202011[1].pdf)

³⁶ ibid

³⁷ See criminal law reform and transitional justice, human rights perspectives for Sudan p.69.

³⁸ See Amnesty International report Sudan entrenched repression Freedom of Expression and Association under Unprecedented Attack AI INDEX: AFR 54/1364/2015 APRIL 2015

³⁹ Ibid

identified many challenges and obstacles that facing people who are working on the human rights field in Sudan institutionally and individually, some challenges are:

- Involving the capacity of the monitors, most of the monitors they lack training;
- They are facing difficulties to access to financial and protection support;
- Furthermore they expressed their concerns with regard to other violations didn't attract the attention of many human rights activists, in particular victims in Internally Displaced camps around Khartoum and other areas or other low profile victims.
- The lack of any security plan in place regarding the protection of people working on monitoring and documentation;
- Continues restrictions and intimidation by HAC against the civil society organizations that led to mistrust to recruit committed people as staff or volunteers and deficiency of sharing information and resources when needed.

Furthermore, lawyer's interviewees expressed their concerns over the lack of solidarity among civil society organizations. Such as lack of lawyers network in place to coordinate the work on many cases, no information sharing in addition some victims are reluctant to peruse their cases due to lack of awareness or in some cases are fearing more intimidation and harassment by the perpetrators. However, they also have no access to resources that can help them in providing legal assistance to the victims.

NGOS WORKING ON MONITORING AND DOCUMENTATION GAPS AND CHALLENGES

The history of the Sudanese Human Rights Organization (SHRO), draw a potential challenge that most human rights organizations in Sudan are facing, such as the impact of the political ideology and the ability to adopt a professional agenda towards effective promotion and protection of human rights. The convers side of this certainly is that human rights organizations shouldn't become a political group either in favour or in opposition to the government.⁴⁰

Although, some local civil society organizations are working on monitoring and documentation, they failed to coordinate and make any connection with each other or other grassroots communities across the country, or networking with national, regional and international organizations to exchange experiences and information. Such impediment contributed to the absence of collective solidarity agenda. Moreover, some activists are influenced by their membership in political parties that led to reducing their role in protecting people rights or to form a clear and consistent voice.

Furthermore, the national security Intelligence turn out to be more intimidating towards the civil society work, that led to limit the free space available to conduct its activities, the NISS used to targeting civil society organizations and leaders especially those who are advocating or focusing on certain issues such as the constitution, human rights, women peace and security many issues the NISS considered them as state security threat.

On the other hand numbers of local NGOs are under pressure and control from HAC, report repeated interference and micromanagement, and civil society organizations are banned from working on themes such as: peace,

⁴⁰ See The Phoenix State.

democracy, women rights, and human rights.⁴¹In addition HAC also insists that civil society organizations register at both the federal and state levels⁴². Many organizations are restricted from working in Khartoum state unless they are registered under the state law although they are registered according to the federal law humanitarian aid work law 2006, which put more restrictions on the civil society to conduct any activities or work in other parts in Sudan, they should register in every state many cases reported that the state authorities used to refuse or reject to grant the organizations permission or accept their registration in the said state, such as in Red Sea, Blue Nile and Khartoum States.

In March 2015 Khartoum State legislature Council passed a new Khartoum State Humanitarian and Voluntary work Law, that accorded HAC a far-reaching power to control and interfere in civil society organizations work, the commissioner has the power to cancel the registration or the license of any voluntary organization, termination of any activities for national security reasons, and require the organizations to obtain approval of communicating with any foreign agencies as stipulated in Article 10. The new law with its broad vague provisions establishes a crucial great challenge in the face of human rights work that hinders many civil society organizations from conducting their activities.

Other challenges that civil society organizations are facing, are many civil society organizations find themselves in a Catch 22 situation. On one hand, they face government restrictions, and, on the other hand, grantmakers are reluctant to fund them because of these restrictions. Many donors now refuse to support civil society organizations because they are not registered at the state level or their licenses were revoked⁴³.

RECOMMENDATIONS AND WAY FORWARD:

For any successful and effective human rights works in Sudan such work shall be impartial, objective, transparent and independent from any political influence. The previous human rights work in Sudan was controlled by political elites who are isolated from grassroots or community-based organization. Many of those engaged in human rights practices in the past have multiple identities they tend to oscillate between human rights activism and political activism with very limited separation between the two spheres. Opposition political parties in the diaspora were engaged in a fierce competition to dominate human rights organizations.

Other factors such as the clash of personalities, lack of accountability, campaign of defamation and character assassination accompanied the previous human rights works in Sudan. Such trends can be attributed to the challenging and oppressive political environment since 1989. These are all lessons learned from the past 33 years. This study arrived to set of recommendations to enhance human rights works in Sudan, they include: Human rights works to be impartial, objective, transparent and independent from any political influence;

- Capacity building of human rights organizations especially concerning monitoring, documentation and reporting of human rights violations;
- Ability to spread at grassroots level and engage with marginalized communities that were not accessible before, in short future human rights should aim to empower and consolidate the agency of rights holders across the country to be able protect and claims their rights;
- Future human rights work should have holistic approach that accommodate both civil and political rights and social, economic and cultural rights. That involved in the context of Sudan a broad

⁴¹ See Amnesty International report: Sudan Entrenched

⁴² Ibid.

⁴³ See Amnesty International report: Sudan Entrenched repression/

category of human rights including the right to education; the right to an adequate standard of living, including the rights to adequate food, housing, water and sanitation; and the right to the highest attainable standard of health.

- Ability to access to diverse funding sources that allows these organization to conduct and sustain their human rights works;
- Establish a regular working group, quarterly or monthly, on human rights situation in the country for the purpose of information sharing and monitoring and advocacy.
- Effectively engage in national and international campaign and advocacy where needed to ensure Sudan obligation to human rights are met;
- Protection of human rights defenders during their work. Human rights defenders who can be journalists, lawyers, members of human rights organizations, trade unionists, health professionals or other service providers who fulfill essential medical or educational needs, or politicians who promote human rights and speak out against human rights violations.